

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

HYBRID PATENTS, INC.,

Plaintiff,

V.

CHARTER COMMUNICATIONS, INC.,

Defendant.

Case No. 2:05-CV-436

Judge T. John Ward

**THIRD-PARTY DEFENDANT ARRIS INTERNATIONAL, INC.'S  
MOTION TO DISMISS, OR IN THE ALTERNATIVE TO TRANSFER OR STAY,  
HYBRID'S CLAIMS IN ITS FIRST AMENDED ANSWER AND THIRD PARTY CLAIM  
AGAINST THIRD-PARTY DEFENDANT ARRIS**

On August 2, 2006, Third-Party Defendant Arris International, Inc. (“Arris”) moved for an order dismissing or in the alternative transferring or staying Hybrid Patents, Inc.’s (“Hybrid”) patent infringement Claim Against Third-Party Defendant Arris.

On the same day that Arris filed its motion to dismiss, Hybrid asserted identical claims of infringement against Arris in Hybrid's Answer to Third-Party Defendant Arris's First Amended Answer & Third Party Claim and Hybrid's Claim Against Third-Party Defendant Arris [Docket No. 43].

For the same reasons set forth in its initial motion to dismiss, Arris hereby moves for an order dismissing, or in the alternative transferring or staying, Hybrid's claims asserted in Hybrid's First Amended Answer and Third Party Claim [Docket No. 43]. Arris hereby incorporates by reference as if fully stated herein its supporting brief, arguments, authorities, and documents set forth in and attached to its initial motion [Docket No. 44], as well as any reply brief, other supporting papers, or statements made by Arris during oral argument.

WHEREFORE, Arris respectfully requests that the Court grant this motion.

Respectfully submitted, this 15<sup>th</sup> day of August, 2006.

A handwritten signature in black ink, reading "Michael C. Smith", written over a horizontal line.

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*Counsel for Third-Party Defendant Arris*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF Filing System per Local Rule CV-5(a)(3) this 15<sup>th</sup> day of August, 2006. Any other counsel of record will be served by facsimile transmission and/or first-class mail.

  
Michael C. Smith